

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Cesar de la Garza,

Civil No. 06-208 (RHK/JJG)

Plaintiff,

ORDER

v.

Joan Fabian, et al.,

Defendants.

Before the Court is the November 30, 2009 Report and Recommendation of Magistrate Judge Jeanne J. Graham and Defendant's Objections thereto.

The undersigned has reviewed de novo the recommendations of Judge Graham as well as Defendant's Objections. Based on that review, and on all the files, records and proceedings herein, the Court concludes that Judge Graham's Report and Recommendation will be adopted—it is supported by the factual record before her and by applicable legal precedents.

Accordingly, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No.184) is **ADOPTED**;
2. The Objections (Doc. No. 185) are **OVERRULED**;
3. Defendants' Motion for Summary Judgment (Doc. No. 165) is **GRANTED**;
4. De la Garza's Motions for trial on the merits (Doc. No. 156) and jury trial (Doc. No. 176) are **DENIED**;

5. De la Garza's Motion for a ruling on nondispositive motions (Doc. No. 140) is **DENIED AS MOOT**;
6. De la Garza's Motions for appointment of counsel (Doc. No. 175), for extension of time to respond to summary judgment (Doc. No. 177), and to correct the record (Doc. No. 178) are **DENIED**; and
7. All claims under § 1983 are **DISMISSED WITH PREJUDICE** and, to the extent de la Garza pleaded state-law claims, those claims are **DISMISSED WITHOUT PREJUDICE**, and the Clerk of Court is directed to close this litigation.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 6, 2010

s/Richard H. Kyle

RICHARD H. KYLE
United States District Judge